

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

JASON ALFORD, *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &
SURVIVOR BENEFIT PLAN, *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

**DECLARATION OF GREGORY F. JACOB IN SUPPORT OF
DEFENDANTS' JOINT RULE 12(b)(6) MOTION TO DISMISS**

I, Gregory F. Jacob, hereby declare pursuant to 28 U.S.C. § 1746, under the penalty of perjury, that the following is true and correct to the best of my knowledge, information, and belief:

1. I am an attorney admitted to practice before this Court, a partner at O'Melveny & Myers LLP, and counsel of record for Defendants the NFL Player Disability & Neurocognitive Benefit Plan, the NFL Player Disability & Survivor Benefit Plan, the Bert Bell/Pete Rozelle NFL Player Retirement Plan, and the Disability Board of the NFL Player Disability & Neurocognitive Benefit Plan. I respectfully submit this Declaration in Support of Defendants' Joint Rule 12(b)(6) Motion to Dismiss in the above-captioned action. I have personal knowledge of the matters set forth herein based on my role as counsel of record and my review of the case file. If called to testify as a witness in this action, I could and would testify competently thereto.

2. Attached as **Exhibit A** are true and correct copies of the publicly available IRS Form 5500 filings from 2016 through 2021 for the NFL Player Disability & Survivor Benefit Plan's (formerly known as the NFL Player Disability & Neurocognitive Benefit Plan), as downloaded on or about April 18, 2023 from the United States Department of Labor, Form 5500 Search, EFAST2, <https://www.efast.dol.gov/5500search/> (select "EIN" and search "52-1852594").

3. Attached as **Exhibit X** is a true and correct copy of volume 3, pages 52 to 64 and 173 to 184, of the trial transcript in *Cloud v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, 3:20-cv-01277-S (N.D. Tex.), bearing the certificate of Thu Bui, CRR, RMR, Official Court Reporter, United States District Court, Northern District of Texas.

4. Attached as **Exhibit Y** is a true and correct copy of volume 5, pages 77 to 88, of the trial transcript in *Cloud v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, 3:20-cv-01277-S

(N.D. Tex.), bearing the certificate of Thu Bui, CRR, RMR, Official Court Reporter, United States District Court, Northern District of Texas.

Executed this 21st day of April, 2023 at Washington, D.C.

/s/ Gregory F. Jacob
Gregory F. Jacob